

Before The
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of)	
)	
Review of Part 87 of the)	WT Docket No. 01-289
Commission's Rules Concerning)	
The Aviation Radio Service)	

REPLY COMMENTS OF GLOBALSTAR LLC

Pursuant to Section 1.415 of the Commission's Rules, Globalstar LLC submits the following reply to comments filed in this docket on July 12, 2004 regarding the *Further Notice of Proposed Rulemaking (Further NPRM)*.¹ Globalstar owns and operates the international Mobile-Satellite Service ("MSS") business offered through the Globalstar™ non-geostationary satellite constellation in the 1.6/2.4 GHz bands.²

Currently, Globalstar service is available in over 120 countries globally. Globalstar offers a variety of voice, fax and data services, and is the most widely used MSS network in the world. Globalstar is developing an aviation service that will be used to provide various Aeronautical Mobile-Satellite Services ("AMSS") for

¹ Report and Order and Further Notice of Proposed Rulemaking, FCC 03-238 (released Oct. 16, 2003) (published at 69 Fed. Reg. 19140 (Apr. 12, 2004)).

² See Loral/Qualcomm Partnership, L.P., 10 FCC Rcd 2333 (Int'l Bur. 1995) (1.6/2.4 GHz user links); L/Q Licensee, Inc., 11 FCC Rcd 16410 (Int'l Bur. 1996) (5/7 GHz feeder links). The Globalstar satellite constellation license was assigned to Globalstar LLC by LQL. See Public Notice, DA 04-628 (released Mar. 8, 2004).

both cabin and passenger communications. This service could also be used to provide Aeronautical Mobile Satellite (Route) Service (“AMS(R)S”).

Globalstar agrees with the comments of The Boeing Company that the Commission should allow each MSS system that desires to make capacity available for AMS(R)S to determine how to meet the safety requirements of such a service within the existing technical boundaries that have been established among other services and licensed MSS systems.

Specifically, the Federal Aviation Administration (“FAA”) is in the process of adopting a Technical Standard Order for aviation equipment transmitting AMS(R)S for “Next Generation Satellite Systems.”³ Proposed TSO-C159 incorporates the Minimum Operational Performance Standards (“MOPS”) developed by the RTCA, Inc.⁴ RTCA’s MOPS do not restrict the provision of AMS(R)S to any particular type of satellite system or to the use of any particular satellite frequencies. Rather, the MOPS and TSO-C159 authorization procedure will apply to any satellite system that desires to provide those services.

The general approach taken by the FAA to authorizing AMS(R)S equipment by NGSS should also be employed by the Commission. Rather than imposing individualized rules for specific types of satellite systems operating in specific

³ See Federal Aviation Administration Request for Public Comment on Proposed Technical Standard Order (TSO) C159, Avionics Supporting Next Generation Satellite Systems (NGSS), 69 Fed. Reg. 35127 (June 23, 2004).

⁴ See RTCA/DO No. 262, dated December 14, 2000, and Change No. 1 to RTCA/DO-262, dated November 28, 2001.

bands, the Commission should allow each satellite system to meet a generic set of requirements to provide aviation services. Otherwise, the Commission will make it more difficult to offer AMS(R)S for each system, and may impose regulatory obstacles for use of some aviation equipment that are not imposed on use of other aviation equipment. In so doing the Commission may prejudice the competitive environment that it sought to establish for satellite services to the detriment of subscribers to aviation services.⁵

Moreover, adopting requirements into the Commission's Rules that duplicate, or worse, are not consistent with, the FAA's requirements is counterproductive. As Boeing notes, any system that proposes an AMS(R)S service for in-flight navigation will be required to meet the necessary safety standards established by the FAA. The FAA is the primary agency with responsibility for such standards and has almost completed the process of developing the authorization procedure. It is not necessary for the Commission to step into this role beyond its existing regulations applicable to commercial satellite systems. The Commission must allow potential service providers some flexibility to decide how to meet aviation safety requirements and to negotiate contracts with the aviation industry. Duplicative

⁵ In its Comments (at 2), Aeronautical Radio, Inc., states that the Convention on International Civil Aviation requires the radio apparatus transmitting AMS(R)S to be licensed to the aircraft operator. Such a requirement does not bar the use of aviation radio services provided over commercial MSS systems. The Commission's Rules allow an airline, for example, to obtain a blanket license for earth stations to be operated on aircraft in coordination with the MSS system operator. See 47 C.F.R. §§ 25.115(d), 25.136.

regulations in the Commission's Rules for such services are likely to impose a hardship with no countervailing benefit to the public and the aviation community.

Accordingly, Globalstar agrees with Boeing that:

- Part 87 should permit satellite systems operating in any authorized frequencies to provide AMS(R)S as long as the system satisfies the requirements of the FAA's TSO authorization procedure, in addition to the Commission's existing Part 25 requirements.
- Part 87 should authorize the provision of AMS(R)S by CDMA-based satellite systems. (Further NPRM, ¶ 79.)
- Part 87 should authorize the provision of AMS(R)S by non-geostationary satellite systems. (Further NPRM, ¶ 80)

By adopting this regulatory approach, the Commission will ensure that Inmarsat is not the only provider of AMS(R)S. (Further NPRM, ¶ 81.)

Finally, if the Commission authorizes the use of AMS(R)S under Part 87 in all MSS frequencies, the Commission should leave the technical requirements for aircraft earth stations in these bands flexible so that licensees of the earth stations can operate consistently with the technical parameters for satellite systems previously authorized in these bands under Part 25 and with the FAA's TSO authorization procedure. (Further NPRM, ¶¶ 82-83.)

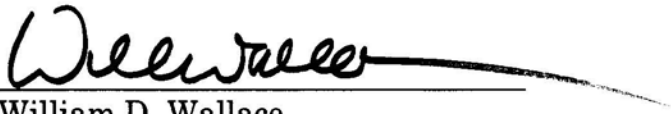
For the reasons set forth above, Globalstar urges the Commission to amend Part 87 so that the Commission's Rules do not restrict the provision of AMS(R)S by any particular type of satellite system or any particular technology, and that the Part 87 rules recognize that authorized, commercial satellite systems that meet the requirements for AMS(R)S services established by the FAA can provide such services without meeting additional requirements for such services imposed by the Commission.

Respectfully submitted,

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